

required, then the said commissioners were to have the ground divided into lots, and sold upon condition, to "wharf in and secure all such marshy ground next the water," and also to have the same raised above tide as aforesaid. 1766, ch. 22. (d) After which Thomas Harrison gave bond as required, but not having been able to comply with its conditions within the time specified, he was allowed a further time; May, 1768, ch. 22; which time was again extended by the Legislature. September, 1770, ch. 7.

377 *It further appears, that Thomas Harrison had, on the 4th of June, 1763, leased a certain lot of land in Baltimore Town unto its commissioners for ninety-nine years, renewable for ever, reserving certain rent, upon which the inhabitants had erected a large building calculated for a market-house and other public uses, which lease the General Assembly by law ratified and confirmed. 1765, ch. 34; *Hanson's Laws*, 1773, ch. 8.

Some time after which Thomas Harrison, by his petition to the General Assembly, stated that he had accomplished his undertaking by converting the said marsh into firm ground, which had been laid out as an addition to Baltimore; "and that the altering and laying out anew the said streets, lanes, and alleys, and opening a canal, leading from Baltimore street to the basin, would render the adjacent lots more convenient, conduce much to the advantage of that part of Baltimore Town, and be the means of effectually draining the said marsh, without occasioning any detriment to the public." Whereupon it was enacted accordingly, that the ground should be laid out anew; and that the canal should be opened. November, 1779, ch. 20. After which an Act was passed by the Legislature for the appointment of port wardens for Baltimore, who were directed to make a survey of the port, and of the course of the channel; and it was declared, that no

(d) A common nuisance is a species of offence against the public, being either the doing of a thing to the annoyance of the people, or the neglecting to do a thing which the common good requires, and which certain persons are bound to do; as by neglecting to repair a highway, bridge, or public river which the party was bound to repair; *Jacob Law Dict. v. Nuisance*. But this Act of Assembly declares the natural condition of a certain tract of land to be a nuisance, and obliges its owner to remove such nuisance by altering and improving its natural condition. But although it may be regarded as a principle of justice necessarily arising out of the very nature of a legal title to property, that no individual or set of individuals shall be permitted to determine how the property of another should be managed, altered, or improved for their own especial benefit, or to promote the general salubrity of the country. Yet, as an exception to this rule, a law may be passed providing for cases in which swamps, bogs, or wet land should be drained by ditches and embankments on the land of each owner, for the general benefit; upon the same ground, that the owner of a lot in a city may be compelled to pave the street in front of his lot; *Arator by John Taylor of Caroline*, page 172.